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APR 13 2004

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ROSS J. OEHLER
AVENTIS PHARMACEUTICALS INC.
ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER NJ 08807

In re Application of :
Christophe Marcireau et al :
Serial No.: 09/744,125 : PETITION DECISION
Filed: September 17, 2001 :
Attorney Docket No.: A3233A :

This is in response to the petition under 37 CFR 1.181, filed December 3, 2003, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed an Office action to applicants on March 18, 2003, setting a three shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed November 25, 2003. Applicants state that a reply was submitted by facsimile on September 22, 2003, and provide a copy of the reply, including a request and fee for a three month extension of time, with a properly executed Certificate of Facsimile Transmission dated September 22, 2003 and an Office generated facsimile receipt indicating receipt by the Office on September 22, 2003. The reply is considered timely in view of the fact that the Office was closed on September 18 and 19 due to inclement weather and September 22, 2003 was a Monday and the first business day the Office was open after the six month statutory period for reply. In view of applicants' timely reply the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 703-872-9306.


Bruce M. Kishiuk

Director, Technology Center 1600